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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/155,231	09/23/1998	SEPPA HAMALAINEN	11902.9USWO	8336

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EXAMINER

DUONG, DUC T

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 11/27/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

11

**Office Action Summary**

Application No.

09/155,231

Applicant(s)

HAMALAINEN ET AL.

Examiner

Duc T. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 1998 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Figure 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Fig. 7 (715). Correction is required.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Fig. 8 (812). Correction is required.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding to claim 3-5, it is not clear as to what is meant by "the power control command is formed of power control commands" on lines 1-2.

Claim 6 recites the limitation "the transmission frame" on lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the structure" on line 4. There is insufficient antecedent basis for this limitation in the claim.

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Regarding to claim 8, it is not clear as to what is meant by "the power control command has a quick state and a slow state" on line 2.

Regarding to claim 9, it is not clear as to what is meant by "the power control command has several states" on line 2.

Claim 10 recites the limitation "the size" on line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the load" on line 3. There is insufficient antecedent basis for this limitation in the claim. Also, it is not clear as to what is meant by "the power control command in one direction is changed in reverse proportion to the load of the opposite transfer direction" on lines 2-3.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Padovani et al (U.S. Patent 5,396,516).

Regarding to claim 1, Padovani discloses a method for adjusting transmitter power in a communication system, wherein a mobile station (first party) transmission data rate is received by a rate determination processor of a base station (second party). The rate determination processor then provides a rate indication to an outer loop power control processor to determine a power level setpoint. A comparator compares the received power level signal and the power level setpoint signal, and provides a

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deviation signal to a power up/down command generator to generate either a power up command or power down command to the mobile station (response to mobile transmitted data rate). It is inherent the mobile station changes its power control command in accordance with its transmission data rate. See Fig. 1 col. 6 lines 67-68 and col. 7 lines 1-17.

Regarding to claim 2, it is inherent that the change of transfer rate of the base station, in response to the mobile power control command, change its power control command. In receiving the power control command from the mobile station, the base station determined if there is a change in the transfer rate and since the power control command of the base station is depend on the transfer rate, when the transfer rate of the base station change the power control command it sent to the mobile too change.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Padovani in view of Love et al (U.S. Patent 5,745,520).

Regarding to claim 6, Padovani fails to teach the transmission rate is declared in the transmission frame.

In the analogous art, Love discloses a buffer to store the frame rate information. See col. 5 lines 1-10.

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Thus, it would have been obvious to a person having ordinary skill in the art, at the time of the invention, to include the frame rate information as taught by Love in Padovani's method with the motivation to disclose the transmission rate.

Regarding to claim 9, Padovani fails to teach the power control command change in step size in claim 9.

In the analogous art, Love discloses a method for power control adjustment in a spread-spectrum communication system using threshold step-down size. See Fig. 3 col. 5 lines 25-39.

Thus, it would have been obvious to a person having ordinary skill in the art, at the time of the invention, to include the power control adjustment using step size as taught by Love in Padovani's method with the motivation to target the value of the power control command.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Padovani in view of Ghosh et al (U.S. Patent 5,629,934).

Regarding to claim 5, Padovani fails to teach when the transmission rate of the first party is lowered, the second party will lower the energy of power control commands to be sent to the first party and, correspondingly, when the transmission rate of the first party becomes higher, the second party will increase the energy of power control command.

In the analogous art, Ghosh discloses a power control for CDMA communication systems, wherein when a PGC (power control group) received by the base station it is analyzed to estimate the energy. The estimate energy is then compared to a threshold

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( $E_s$ ). If the estimate exceed  $E_s$ , then a down power control bit (lower energy of power control command) is inserted in the transmission to the mobile and if the estimate does not exceed  $E_s$ , then an up power control bit (increase the energy of power control command) is inserted in the transmission to the mobile. See col. 3 lines 9-26.

Thus, it would have been obvious to a person having ordinary skill in the art, at the time of the invention, to include an energy comparison as taught by Ghosh in Padovani's method with the motivation appropriate the energy of the power control command sent to correspond to the transmission rate.

8. In claim 1 on line 3, a space is needed between the words "to" and "the".

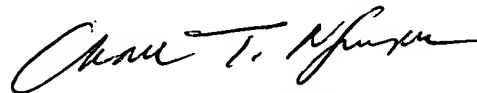
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 703-605-5146. The examiner can normally be reached on M-Th (8:30 AM-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

DD

November 8, 2001



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